

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant

-against-

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-1789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

-against-

PAULINE FELDMAN,

Defendant.

Adv. Pro. No. 10-4349 (SMB)

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

-against-

RICHARD FELDMAN,

Defendant.

Adv. Pro. No. 10-4560 (SMB)

DISCOVERY ARBITRATOR'S ORDER

Having conferred with counsel for the Trustee and for the Feldmans on February 23, 2017, it is hereby ORDERED that:

1. The Trustee's renewed request that the Trustee's Requests for Admission be deemed admitted is denied.
2. Clarifications B and C in the "General Objections and Clarification" section of the Feldmans' Amended Responses to the Trustee's Requests for Admissions are stricken and may not be reasserted in any subsequent Response.
3. By March 6, 2017, the Feldmans shall:
 - a. file their Second Amended Responses to the Trustee's Requests for Admission. The Feldmans' responses shall, at a minimum, be based upon their review of the Core Account Documents previously furnished to them and their counsel by the Trustee.
 - b. provide the Trustee with dates during the month of March 2017 when the Feldmans are available to be deposed. If no such dates are available, the Feldmans shall explain, in writing, why and identify the earliest possible dates that they can be deposed.
 - c. provide the Trustee with the documents responsive to the Trustee's First Set of Requests for Documents.

- d. either represent in a cover letter from counsel that no documents responsive to the Trustee's First Set of Requests for Documents have been withheld on privilege or other grounds or provide the written response to the Trustee's document request required by Bankruptcy Rule 7034 and Rule 34(b)(2) of the Federal Rules of Civil Procedure.
- e. endeavor to enter into the following stipulation, which is based upon the language employed in at least one other adversary proceeding:

In connection with any motion practice, trial, or appeal, the Feldmans: (a) will not challenge the accuracy or completeness of the deposit and withdrawal-related information set forth in columns 1 through 5 of Exhibit B to the Trustee's complaint; (b) concede that the funds reflected in Column 5 of Exhibit B were withdrawn from the Feldmans' BLMIS accounts and received by the account holder; and (c) shall withdraw any affirmative defenses inconsistent with this stipulation.

SO ORDERED.

Dated: New York, New York
February 23, 2017



FRANK MAAS
Discovery Arbitrator

Copies to Counsel of Record via ECF